IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3182 OF 2006.

Abhishek Ajaykumar Singh .. Applicant
V/s
The State of Maharashtra ..Respondent.

Mr. J.A. Khan for the applicant
Mr. P.S. Hingorani, A.P.P. for the respondent.

CORAM : S.C. DHARMADHIKARI, J.

DATE : 28TH AUGUST, 2006.

P.C.

. Heard Mr. Khan, the learned Counsel appearing for the applicant and Mr. Hingorani, the learned A.P.P. for the State. Perused the application and annexures thereto.

2. The applicant is an accused in CR No. 385/2006 registered with Deccan Gymkhana Police Station, Pune. His bail application No. 1807/2006 was rejected by the learned Sessions Judge, principally on the ground that the applicant is a permanent resident of State of Bihar and more particularly, in Patna city. It would be difficult to procure his presence at the trial, more so considering that he had come to Pune as a student for giving examination and committed alleged offence of

misusing a debit card. Applicant's advocate has contended before me that the applicant along with his mother is permanently residing at Shanti Bhuvan, Basant Vihar Colony, Boring Road, Patna. Appliant's father has expired. The applicant has no antecedents and he has permanent residence. That apart, the applicant is willing to furnish local sureties. He is a college going student and there are no antecedents. Further, there is no material to conclude that merely because he is residing in Bihar State, he would not attend the trial or would tamper with the prosecution witnesses. The co-accused is already enlarged on bail.

3. I see quite substance in the submission of the applicant's counsel. There is no principle of law that merely because the applicant/accused is a resident of another State, he is disentitled for being enlarged on bail. For securing his presence appropriate conditions can always be imposed. In the light of the above, following order:-

i) The applicant arrested in connection with Cr.No.385/2006 registered with Deccan Gymkhana Police Station, Pune shall be enlarged on bail subject to

furnishing a personal bond of Rs.15000/- with one or two local sureties in the like amount.

ii) The applicant shall furnish proof of his residence in the city of Patna and forward all copies pertaining thereto to the investigating officer before his release on bail.

iii) The applicant shall report to the Deccan Gymkhana Police Station once in a fortnight till the conclusion of the trial.

iv) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

v) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution

evidence.

vi) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vii) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

viii) Application is disposed of in above terms.

ix) Parties to act on an authenticated copy of this order.

(S.C. DHARMADHIKARI, J.)